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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,450

09/29/2005

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P28588

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EXAMINER

TRAN, MY CHAU T

ART UNIT

PAPER NUMBER

2629

NOTIFICATION DATE

DELIVERY MODE

02/05/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,450	<b>Applicant(s)</b> NAKAMURA ET AL.	
	<b>Examiner</b> MY-CHAU T. TRAN	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Office Action</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Application and Claims Status***

1. Applicant's amendment and response filed 12/01/2008 are acknowledged and entered.
2. Claims 1-19 were pending. Applicants have amended claims 1 and 8-12. No claims were added and/or cancelled. Therefore, claims 1-19 are currently pending.

### ***Election/Restrictions***

3. Applicant's election with traverse of the species of claim 2 in the reply filed on 12/01/2008 is acknowledged. The traversal is on the ground that the restriction requirement mailed on 10/31/2008 is improper. This is not found persuasive because the Office Action mailed on 10/31/2008 in ***not*** a restriction requirement as alleges by applicant, but rather a species election as clearly indicated in paragraph 2 of the Office Action mailed on 10/31/2008. Moreover, the species election is improper for each species of drive unit are structurally distinct from each other as supported by claims 2, 3, and 5, and figures 3, 8 and 9.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 3 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to ***nonelected species***, there being no allowable generic or linking claim. Applicant timely traversed the election requirement in the reply filed on 12/01/2008. Accordingly, claims 1, 2, 4, and 6-19 are under consideration in this Office Action.

***Priority***

5. This instant application is a 371 of PCT/JP04/04724 filed on 03/31/2004, and as a result this instant application has the effective filing date of 03/31/2004.

6. Receipt is acknowledged of papers, i.e. Japanese Patent Application No. 2003-098902, filed April 02, 2003, submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

7. The information disclosure statements (IDS) filed on 01/25/2006 and 04/20/2006 have been reviewed, and the references that have been considered are initialed as recorded in PTO-1449 form(s).

8. The information disclosure statement filed 04/20/2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it requires the followings: a) the application number of the application in which the information disclosure statement is being submitted on each page of the list; b) a column that provides a blank space next to each document to be considered, for the examiner's initials; and c) a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any

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missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: that is the reference character 2132 of figure 9 is not found in the instant specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: that is the reference character 2312 mentioned on page 16, line 6 of the instant specification is not found in either figure 3 and/or 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

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reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 2, 4, and 6-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The term "*hardness*" in claim 2 is a relative term which renders the claim indefinite.

The term "*hardness*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Here, the instant specification does not define the term "*hardness*" and as a result, it is unclear what constitutes the metes and bounds of "*hardness*", i.e. what is considered "*hardness*" in regard to the instant claimed device? Is it the depth or thickness of the material? Is it the density of the material? Is it the tensile strength of the material? Is it the chemical

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make-up of the material? Consequently, claim 2 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph.

- B.** The limitation of “*wherein an organic TFT (Thin Film Transistor) is used to the switching unit*” of claim 6 is vague and indefinite because it is unclear how the ‘*organic TFT*’ use the ‘*switching unit*’. Also, it appears that this limitation is a literal translation into English from a foreign document. Therefore, claim 6 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph. It is suggested that in order to overcome this rejection this limitation should be amended to recite that ‘wherein the switching unit is an organic TFT (Thin Film Transistor)’.
- C.** Claim 6 recites the limitation “*an organic TFT (Thin Film Transistor)*” in line 1. There is insufficient antecedent basis for this limitation in claims 1 and/or 2. There is no recitation of this limitation in both instant claims 1 and 2 for which the instant claim 6 depends. Hence, there is insufficient antecedent basis for this limitation; and claim 6 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph.
- D.** The limitation of “*wherein a crystal type of CMOS-IC (Complementary Metal Oxide Semiconductor-Integrated Circuit) is used to the drive circuit*” of claim 7 is vague and indefinite because it is unclear how the ‘*crystal type of CMOS-IC*’ use the ‘*drive circuit*’. Also, it appears that this limitation is a literal translation into English from a foreign document. Thus, claim 7 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph. It is suggested that in order to overcome this rejection this limitation should be amended to recite that ‘wherein the drive circuit is

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a crystal type of CMOS-IC (Complementary Metal Oxide Semiconductor-Integrated Circuit)’.

- E.** Claim 7 recites the limitation "*a crystal type of CMOS-IC (Complementary Metal Oxide Semiconductor-Integrated Circuit)*" in line 1-2. There is insufficient antecedent basis for this limitation in claims 1 and/or 2. There is no recitation of this limitation in both instant claims 1 and 2 for which the instant claim 7 depends. Hence, there is insufficient antecedent basis for this limitation; and claim 7 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph.
- F.** The limitation of “*wherein the battery is charged from a solar battery or a sheet battery*” of claim 10 is vague and indefinite because it is unclear how the phrase ‘*charged from a solar battery or a sheet battery*’ further defines the structure of the instant claimed battery. Also, it appears that this limitation is a literal translation into English from a foreign document. Consequently, claim 10 and all its dependent claims are rejected under 35 U.S.C. 112, second paragraph. It is suggested that in order to overcome this rejection this limitation should be amended to recite that ‘*wherein the battery is a solar battery or a sheet battery*’.
- G.** The limitation of “*wherein the core unit is provided with a connector for supplying electric power from outside to the power supply*” of claim 11 is vague and indefinite because it is unclear how the phrase ‘*for supplying electric power from outside to the power supply*’ further defines the structure of the instant claimed connector. Also, it appears that this limitation is a literal translation into English from a foreign document. Accordingly, claim 11 and all its dependent claims are rejected under 35



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U.S.C. 112, second paragraph. It is suggested that in order to overcome this rejection this limitation should be amended to recite that ‘wherein the core unit is provided with a connector for supplying electric power from an outside power source’.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 2, 4, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo et al. (US Patent Application Publication US 2002/0055938 A1).

For ***claims 1, 2, 4, 12, and 13***, Matsuo et al. disclose an electronic paper device (see e.g. Abstract; sections: [0002], [0009] thru [0014], and [0046] thru [0048]; figs. 1, 5, 9, and 25-29). As illustrated by figure 1 in general, the device comprises an electronic paper (ref. #101) and a cover (ref. #102) to which a plurality of electronic papers can be attached (see e.g. sections: [0046] thru [0053]). The electronic paper (ref. #101) (refers to instant claimed display) as shown by figure 25 comprises a display driver part (ref. #12) (refers to instant claimed drive unit/core unit) and a display unit part (ref. #121) (refers to instant claimed display unit) wherein the display driver part is on the left side of the display unit part (refers to instant claimed limitations of ‘a drive unit disposed on an edge of the display unit’ and ‘the drive unit is formed on a core unit on an edge of the display unit’; and instant claim 4) and as depicted in figure 25, the display

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driver part has a thickness larger than the display unit part (refers to instant claimed limitation of ‘*having a hardness larger than the display unit*’). The display driver part (ref. #12) comprises a character storage means (ref. #42), an image storage means (ref. #43), and a plurality of display driver (ref. #122) (see e.g. sections: [0172] thru [0179]; fig. 25). The character storage means (ref. #42) (refers to instant claimed data setting unit) provided display-bit-data, which comprises pixel data and position data, to the display driver (ref. #122) (refers to instant claimed driver circuit) wherein the display driver decode the display-bit-data and output the voltage corresponding to the decoded display-bit-data to the display unit part (ref. #121) for display (refers to instant claims 12 and 13) (see e.g. sections: [0172] thru [0179]). The display unit part (ref. #121) comprises a display sheet (ref. #A) and a luminous sheet (ref. #B) (see e.g. sections: [0089] thru [0097]; figs. 3 and 25). The display sheet (ref. #A) comprises a plurality of row electrodes, a plurality of column electrode, and display medium between the row electrode and column electrode wherein the plurality of row electrodes and the plurality of column electrodes are arrange to form a grid format of a plurality of pixels (refers to instant claimed light-emitting devices) (see e.g. sections: [0090] and [0093]). The plurality of pixels are turn on or off via the matrix control (refers to instant claimed switching units) that provide specific voltage between the row electrode and the column electrode base on the voltage provided by the display driver (see e.g. sections: [0094] and [0172] thru [0179]).

Therefore, the device of Matsuo et al. does anticipate the instant claimed invention.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is (571)272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MY-CHAU T. TRAN/  
Primary Examiner, Art Unit 2629

February 3, 2009